

Supply of the Treasury.

167



# Acts and Laws

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*: Begun and Held at *Boston* upon Wednesday the twenty-eighth Day of *May* 1755.

## CHAP. I.

An Act for supplying the Treasury with the Sum of *Fifty Thousand Pounds*, for discharging the publick Debts, and for drawing the same into the Treasury.

**W**HEREAS the Provision heretofore made by this Court is insufficient to discharge the Debts of the Government; and whereas there are, and will be several Demands upon the Treasury, which do and will require speedy Payment: Therefore,

Preamble.

Be it enacted by the Governour, Council and House of Representatives, That the Treasurer of the Province be and hereby is impowered and directed to borrow from such Person or Persons as shall be willing to lend the same, a Sum not exceeding the Sum of *Fifty Thousand Pounds*, in mill'd Dollars at *six Shillings* each, or in other Silver at *six Shillings and eight Pence* per Ounce, for a Term not exceeding three Years; and the Sum so borrowed, shall be applied in Manner as in this Act is hereafter directed; and for every Sum so borrowed the Treasurer shall give a Receipt and Obligation in Form following:

Treasurer to impowered to borrow £. 50,000.

Province of the *Massachusetts-Bay*. Day of *1755*. Form of Treasurer's Receipt  
Received of *the Sum of* *for the Use and*  
*Service of the Province of the Massachusetts-Bay; and in Behalf of said*  
*Province, I do hereby promise and oblige my Self and Successors in the Office*  
*of Treasurer, to repay the said* *or Order, the*  
Day of *175*, the aforesaid Sum of *in Coined*  
*Silver of Sterling Alloy, at six Shillings and eight Pence per Ounce, or*  
*Spanish mill'd Dollars, at six Shillings each, with Interest annually at the*  
*Rate of six per Cent. per Annum.* Witness my Hand;

A. B. Treasurer.

And

[ X x ]

## Supply of the Treasury.

Treasurer directed in borrowing Money.

And no Receipt shall be given for a Sum less than *six Pounds*; and the Treasurer is hereby directed to use his Discretion in borrowing said Sum, at such Times as that he may be enabled to comply with the Draughts that may be made on the Treasury in Pursuance of this Act.

*And whereas it may happen that some of the Persons who have done Service for this Government, and for the Payment of which, the Sum raised by this Act is intended, may be willing to lend the Sum due to them on Interest, and take the Treasurer's Notes for the Money so lent:*

Treasurer to give Notes on Warrants &c.

**Be it further enacted**, That when and so often as any Person or Persons who shall have a Warrant on the Treasury payable out of any of the Appropriations mentioned in this Act, and shall bring such Warrant to the Treasurer, expressing his Willingness to lend the Sum mentioned in said Warrant to the Government, the Treasurer in such Case shall give out his Notes therefor in like Manner as if the same Sum had been brought to him in Dollars or other Silver, and shall charge the respective Appropriations with the Payment thereof, until such Appropriations shall be exhausted.

Former Warrants on exhausted Appropriations to be paid.

**And be it further enacted**, That any Warrants which may have been given by the Governour and Council, and were payable out of any exhausted Appropriations in any former Acts for supplying the Treasury, shall be paid respectively out of the Appropriations for the like Purpose in this Act.

£. 17,350 to be issued for Expedition to Crown-Point.

**And be it further enacted**, That the aforesaid Sum of *Fifty Thousand Pounds* when received into the Treasury, shall be issued out in Manner and for the Purposes following, that is to say, *seventeen Thousand three Hundred and fifty Pounds*, Part of the Sum of *fifty Thousand Pounds*, shall be applied for the Service of the Expedition against *Crown-Point*; And the further

£. 12,500 for Forts and Garrisons.

Sum of *twelve Thousand five Hundred Pounds*, Part of the Sum of *Fifty Thousand Pounds*, shall be applied for the Service of the several Forts and Garrisons within this Province, pursuant to such Grants and Orders as are or shall be

£. 9500 for Provisions, Commissary's Disbursements &c.

made by this Court for those Purposes; And the further Sum of *nine Thousand five Hundred Pounds*, Part of the aforesaid Sum of *Fifty Thousand Pounds*, shall be applied for purchasing Provisions, and the Commissary's necessary Disbursements for the Service of the several Forts and Garrisons within this Province;

£. 7000 for Premiums, &c.

And the further Sum of *seven Thousand Pounds*, Part of the aforesaid Sum of *Fifty Thousand Pounds*, shall be applied for the Payment of such Premiums and Grants that now are, or may hereafter be made by this Court; And the

£. 1500 for Debts where there is no Establishment, &c.

further Sum of *fifteen Hundred Pounds*, Part of the aforesaid Sum of *Fifty Thousand Pounds*, shall be applied for the discharge of other Debts owing from this Province to Persons that have served, or shall serve them by Order of this Court, in such Matters and Things where there is no Establishment, nor any certain Sum assigned for that Purpose, and for Paper, Writing and Printing for this Court; And the Sum of *two Thousand Pounds*, Part

£. 2000 for Pay of Counsellors and Representatives Attendance.

of the aforesaid Sum of *Fifty Thousand Pounds*, shall be applied for the Payment of his Majesty's Council, and House of Representatives, serving in the Great and General Court, during the several Sessions for the present Year.

*And whereas there are sometimes contingent and unforeseen Charges that demand prompt Pay:*

£. 150 for contingent Charges.

**Be it enacted**, That the Sum of *one Hundred and fifty Pounds*, being the remaining Part of the aforesaid Sum of *Fifty Thousand Pounds*, be applied to pay such contingent Charges, and for no other Purpose whatsoever.

*And in order to draw the Money into the Treasury again, and enable the Treasurer effectually to discharge the Receipts and Obligations, (with the Interest that may be due thereon) by him given in Pursuance of this Act:*

Tax of £. 36,000 granted, in 1756.

**Be it enacted**, That there be and hereby is granted to his most excellent Majesty a Tax of *thirty six Thousand Pounds* to be levied on Polls and Estates



## Supply of the Treasury.

Estates Real and Personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same as shall be agreed on and ordered by the General Court of this Province at their Session in *May* One Thousand seven Hundred and fifty six, which Sum shall be paid into the Treasury on or before the thirty-first Day of *March* next after.

And a further Sum of *fourteen Thousand Pounds*, the remaining Part of the Tax of £ 14,100 in 1757. aforeſaid Sum of *Fifty Thousand Pounds* to be levied on Polls and Estates Real and Personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same, as shall be agreed on and ordered by the General Court of this Province at their Session in *May* One Thousand seven Hundred and fifty seven; which Sum shall be paid into the Treasury on or before the thirty-first Day of *March* next after.

*And as an additional Fund to enable the Treasurer to discharge the said Notes:*

**Be it enacted**, That the Duties of Impost for the Year One Thousand seven Hundred and fifty six shall be applied for that Purpose, and for no other Purpose whatsoever.

*And as a further Fund to enable the Treasurer to discharge said Receipts and Obligations by him given in Pursuance of this Act:*

**Be it enacted**, That the Duties of Excise or so much of that Duty (as Further Fund: is not already Mortgaged) arising by Virtue of an Act for granting unto his Majesty an Excise upon Spirits distilled, and Wine, and upon Limes, Lemmons and Oranges, for the Year One Thousand seven Hundred and fifty five, shall be applied for the Payment and Discharge of the Principal and Interest that shall become due on said Notes, and to no other Purposes whatsoever.

*And as a further Fund as aforeſaid:*

**Be it enacted**, That the Duties arising by the Act for granting to his Majesty several Duties upon Velium, Parchment and Paper the second Year Further Fund. from the Commencement of said Act, shall be applied for the Payment and Discharge of the Principal and Interest that shall be due on said Notes, and no other Purpose whatsoever.

**And be it further enacted**, That in Case the General Court shall not Rule for Apportioning the Tax in Case no Tax Act shall be agreed on, at their Sessions in *May* and before the thirtieth Day of *June*, One Thousand seven Hundred and fifty six, and One Thousand seven Hundred and fifty seven, agree and conclude upon an Act apportioning the Sums which by this Act are engaged to be in said Years apportioned, assessed and levied, that then and in such Case each Town and District within this Province, shall pay by a Tax to be levied on the Polls and Estates both Real and Personal within their Districts, the same Proportions of the said Sums, as the said Towns and Districts were taxed by the General Court in the Tax Act then last preceeding, (saving what relates to the Pay of the Representatives, which shall be assessed on the several Towns they represent;) and the Province Treasurer is hereby fully impowered and directed, sometime in the Months of *July*, One Thousand seven Hundred and fifty-six, and One Thousand seven Hundred and fifty seven, to issue and send forth his Warrants directed to the Select-Men or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts for their respective Part and Proportion of the Sum before directed and engaged to be assessed; and the Assessors as also Persons assessed, shall observe, be governed by, and subject to all such Rules and Directions as have been given in the last preceeding Tax Act.

And

## Supply of the Treasury.

The Treasur-  
erto conform  
to the Appro-  
priations.

And be it further enacted, That the Treasurer is hereby directed and ordered to pay the Sum of *Fifty Thousand Pounds* out of such Appropriations as shall be directed by Warrant, and no other; and the Secretary to whom it belongs to keep the Muster-Rolls and Accompts of Charge, shall lay before the House of Representatives when they direct, such Muster-Rolls and Accompts after Payment thereof.

Provido.

*Provided always*, That the Remainder of the Sum which shall be brought into the Treasury by the Duties of Impost, Excise and Stamp Duties before mentioned, and the Tax of *Fifty Thousand Pounds*, ordered by this Act to be assessed and levied over and above what shall be sufficient to discharge the Notes and Obligations aforesaid, shall be and remain as a Stock in the Treasury, and to be applied as the General Court of this Province shall hereafter order, and to no other Purpose whatsoever; any Thing in this Act to the contrary notwithstanding.

## C H A P. II.

An Act for granting the Sum of *Thirteen Hundred Pounds* for the Support of his Majesty's Governour.

**B**E it enacted by the Governour, Council and House of Representatives, That the Sum of *Thirteen Hundred Pounds* be and hereby is granted unto his most excellent Majesty, to be paid out of the publick Treasury to his Excellency *WILLIAM SHIRLEY*, Esq; Captain General and Governour in Chief in and over his Majesty's Province of the *Massachusetts-Bay*, for his past Services, and further to enable him to go on in managing the publick Affairs.

[ *The two foregoing Acts were Published June 12th 1755.* ]

## C H A P. III.

An Act for the more effectual Prevention of Supplies of Provisions, and War-like Stores to the *French*, from any Parts of this Province.

Preamble.

**W**HEREAS notwithstanding the Provision already made by the Laws of this Government, divers evil-minded Persons have found Means to transport Provisions to Louisbourg; either direct from this Province, or else from this Province to some Parts of Newfoundland, and from thence to Louisbourg; by Means whereof the present Measures now engaged in by his Majesty's Forces for the Security of his Subjects, and for removing the Encroachments made upon his Territories, may be prejudiced and defeated:

No Provisions  
nor Warlike  
Stores shall be  
exported, be-  
fore Bond gi-  
ven &c.

Be it therefore enacted by the Governour, Council and House of Representatives, That no Provisions except Cod-fish, nor War-like Stores, except so much only as shall be necessary for the ordinary Victualling and Defence of any Vessel during her proposed Voyage, shall be exported from any Port or Part of this Province, until Bond be first given by the Master of such Vessel, with sufficient Sureties in the Penalty of *One Thousand Pounds* Sterling, to the Officer or Commissioner of Impost, That all such Provisions and War-like Stores so laden, shall be reloaded in some Part of this Province, or landed in some one of his Majesty's Colonies to the Southward of *Newfoundland*, or at *Annapolis-Royal*, or *Hallifax* in *Nova-Scotia*; and that Certificate shall be returned within twelve Months from the Officer of the Customs in the Places where they shall be landed, that the whole of such Provisions and War-like Stores have been so landed. And if any Person



## Exportation of Proviſions.

171

Perſon ſhall preſume to export Proviſions or War-like Stores from this Province in a clandestine Way, and without obtaining a Clearance from the Naval Officer, every Perſon ſo offending ſhall be ſubject and liable to all the Penalties provided by an Act of this Province made and paſſ'd this preſent Year, intituled, *An Act to encourage and facilitate the Removal and Prevention of French Encroachments on his Maſteſty's North-American Territories.*

**And be it further enacted,** That the Naval Officer ſhall give no Clearance for any Veſſel, until Certificate be produced from the Commiſſioner of Impoſt, That the Maſter of ſuch Veſſel has conformed to the Rules preſcribed by this Act.

**And be it further enacted,** That Oath ſhall be made by the Maſter of every Veſſel clearing out, before the Commiſſioner of Impoſt, as to the whole Quantity of Proviſions, and War-like Stores laden or intended to be laden on Board ſuch Veſſel.

This Act to continue and be in Force until the twelfth Day of September next, and no longer.

[ *The foregoing Act was Published June 14. 1755.*  ]

## C H A P. IV.

## An Act for preventing the Exportation of Proviſions, and War-like Stores out of this Province.

**W**HEREAS the Measures already taken for preventing Proviſions and War-like Stores being carried to the French, have proved ineffectual for that Purpose : Preamble.

**Be it enacted by the Governour, Council and Houſe of Representatives,** That no War-like Stores or Proviſions of any Kind whatſoever (Fiſh only excepted) ſhall be exported or carried out of any Port or Harbour in this Province in any Veſſel whatever, before the twenty fourth Day of July next, ſaving only ſuch Proviſions and Warlike Stores as are neceſſary for the Defence of each reſpective Veſſel, outward bound, and victualling the Mariners on board the ſame, during their intended Voyage, and whereof an Account in Writing ſhall be given by the Maſter of ſuch Veſſel on Oath, to the Impoſt Officer or his Deputy, on Pain of *One Thouſand Pounds* Lawful Money, to be forfeited and paid by the Maſter, and the like Sum by the Owner and Owners, Factor and Factors of each reſpective Veſſel in which any Warlike Stores or Proviſions ſhall be exported or carried out of any Port or Harbour in this Province ; one Moiety thereof to the Uſe of this Government, and the other Moiety to him or them that ſhall inform or ſue for the ſame. Exportation of Warlike Stores and Proviſions prohibited, ſaving.

**And be it further enacted,** That if the Governour or Commander in Chief for the Time being, ſhall ſee fit, with the Advice and Conſent of the Council, to iſſue a Proclamation, prohibiting the Exportation of Proviſions or Warlike Stores out of this Province, for any Time after the ſaid twenty-fourth Day of July, not exceeding the twenty fourth Day of September in this preſent Year, the Maſter and Owner and Owners Factor and Factors of any Veſſel or Veſſels, on Board of which ſuch Proviſions or Warlike Stores ſhall be exported, contrary to ſuch Proclamation, ſhall be reſpectively liable to the ſame Penalties as if the ſame had been exported before the ſaid twenty-fourth Day of July, contrary to this Act. Governour and Council may prolong the Time above limited.

*Provided always,* That it ſhall and may be lawful for any Proviſions or Warlike Stores to be exported for the Service of his Maſteſty's Sea or Land Forces on Board any Veſſel or Veſſels licenced for that Purpose by the Governour or Commander in Chief for the Time being, with the Advice of the Council. Impoſt Officer &c. their Fee.

[ Y y ]

*Provided*

## Addition to the Stamp Act.

Proviso for  
Coasting Vef-  
fels &c.

*Provided also*, That it shall and may be lawful for Provisions and Warlike Stores to be laden and transported on board any Coasting Vessel or Vessels passing from one Port to another within this Province, Bond being first given in a Thousand Pounds Lawful Money, with sufficient Sureties to the Impost Officer or his Deputy to Reland the same, in some Town in this Province, and to return a Certificate thereof, from the Deputy Impost Officer residing in the Town where they are so Relanded, or from the Town Clerk of such Towns, wherein no Deputy Impost Officer resides.

Proviso also in  
Towns where  
the Fishery is  
carried on.

*Provided also*, That in such Towns where the Fishery is carried on, and neither the Impost Officer or his Deputy dwells, the Masters of Fishing Vessels may render the Account aforesaid on Oath to a Justice of the Peace, or the Town Clerk of the respective Towns out of which they sail, who is hereby impowered to take the same; and the Account so taken and attested, shall be by them transmitted to the Impost Officer, which shall be as effectual as tho' the same were taken by him or his Deputy.

Impost Officer  
his Fee.

**And be it enacted**, That the Impost Officer shall be allowed *one Shilling* for each Bond so taken; and every Justice and Town Clerk the like Sum for every such Certificate, by them respectively transmitted as aforesaid, to be paid by the Master.

[ *The foregoing Act was Published June 25. 1755.* ]

## C H A P. V.

An Act in Addition to an Act Intituled *An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper for two Years towards defraying the Charges of this Government.*

Preamble.

**W**HEREAS in and by an Act Intituled, An Act for granting to his Majesty several Duties upon Vellum, Parchment and Paper for two Years, towards defraying the Charges of this Government, made and passed in the present Year of his Majesty's Reign; a Duty is laid in the Words following, viz. "For every Piece of Vellum or Parchment, "Sheet or Piece of Paper, on which any Deed or Mortgage of any "Real Estate, the Consideration whereof shall be less than twenty Pounds, "or any Bond or Obligation (those taken in the Probate Office "excepted) or other sealed Instruments shall be engrossed or written, "two Pence." And altho' it was fully intended that no Wills or other Instruments that were to be presented to or transacted in the Probate Office, should be liable to any Duty, and that no Warrants of any Sort should be subjected to any Stamp, yet some Doubts have arisen, Whether that Clause in the aforesaid Act (or other sealed Instruments) does not make it necessary that all Instruments not particularly mentioned in said Act should be stamped, to render them good and valid:

Words in  
former Act  
recited.

Wherefore for removing such Doubts for the future;

Instruments  
not liable to  
be stamped.

**Be it enacted by the Governour, Council and House of Representatives**, That no Wills or other Instruments that are to be presented to, or that are transacted in the Probate Office, and no Warrants from any Person or Persons that are authorized and impowered by Law to grant the same, shall be liable to be stamped, but that the same shall be held good and available in Law to all Intents and Purposes, without being stampd; any Thing in the aforementioned Act notwithstanding.

**And**



## Scituate Beaches.

173

And be it further enacted, That the Commissioner or Commissioners appointed or to be appointed to receive the Duties mentioned in the afore-  
 said Act, shall not stamp or cause to be stampd any Capias, Original Sum-  
 mons, or any Writ of Review, Writ of Scire Facias, or Writ of Execution, or any other Writs whatsoever, after the same is filled up, nor any Deed, Bond or other Instrument, after the same is signed or sealed.

Instruments  
 not to be  
 stamped after  
 being signed  
 or sealed.

## C H A P. VI.

An Act to prevent Damage being done on the Beach, Humocks and Meadows belonging to the Town of Scituate, lying between the Southerly End of the Third Cliff, so called, and the Mouth of the North-River.

**W**HEREAS Persons frequently drive Numbers of Neat Cattle and Horses, and sometimes Sheep, if not restrained, to feed on the Beach, Humocks and Meadows of Scituate, lying between the third Cliff, and the Mouth of North-River, and oftentimes cut down Trees and Shrubs in said Humocks, and carry them away, whereby said Beach is broken, and the Land made loose, and by the Winds and Storms is drove on the said Meadow and Flats or Sedge Ground; and there is great Danger, if such Practices are not prevented, that the said Meadows and Sedge Ground will be utterly ruined, and the River greatly damaged:

Preamble:

Be it therefore enacted by the Governour, Council and House of Representatives, That if any Neat Cattle, Horse-Kind or Sheep, shall after the first Day of July next, be found feeding on said Beach, Humocks or Sedge Ground adjoining to said Beach, it shall and may be lawful for any Person to impound the same forthwith, giving Notice to the Owner or Owners, if known, otherwise to give publick Notice thereof, by posting up Notifications in some publick Place in said Town of Scituate; and the Impounder shall relieve said Creatures with suitable Meat and Water while impounded; and if the Owner thereof appear, he shall pay to the Impounder one Shilling a-Head for all Neat-Cattle and Horse-Kind, and two Pence for every Sheep, and also the reasonable Costs for relieving them, besides the lawful Fees to the Pound-Keeper: And if no Owner appear within three Days to redeem the said Creatures so impounded, and pay as aforesaid; then and in every such Case, the Person or Persons impounding such Creatures shall cause the same to be sold at publick Vendue, and pay the Penalties as aforesaid, with all other Costs and Charges arising about the same, publick Notice of the Time and Place of such Sale being first given in the said Town of Scituate, and the two next adjacent Towns, three several Days before Hand; And the Overplus, if any there be, arising by such Sale, to be returned to the Owner or Owners of such Creatures, if he or they appear within two Months next after such Sale, upon his demanding the same; but if no Owner appears within said two Months to demand the same, then the said Overplus shall be one Half to the Person impounding, and the other Half to be returned to the Town Treasurer, for the Use of the Poor of the said Town of Scituate.

Cattle found  
 feeding on the  
 Beaches afore-  
 said to be im-  
 pounded.

To be sold  
 where the  
 Owner does  
 not appear.

Disposal of  
 the Produce.

And be it further enacted, That if any Person or Persons shall presume to cut down any Tree or Shrub standing or growing on said Beach or Humocks, without Leave or Licence first had and obtained of said Town of Scituate, he or they so offending, shall forfeit and pay to the Use of said Town

Penalty for  
 cutting down  
 Trees or  
 Shrub.

## Revival of Laws.

Town the Sum of *twenty Shillings* for each Tree or Shrub ſo cut down; And all ſuch Methods and Proof ſhall be allowed in any Action to be brought by ſaid Town therefor, as is provided in an Act made in the twelfth Year of King *George* the firſt in Addition to an Act made for preventing of Treaſpaſſes.

This Act to be in Force for the Space of ten Years from the firſt Day of *July* next.

## C H A P. VII.

An Act for reviving and continuing ſundry Laws that are expired and near expiring.

Preamble.

**W**HEREAS the ſeveral Acts herein after mentioned, which are now expired or near expiring, have been found uſeful and beneficial, namely, two Acts made in the eighteenth Year of his preſent Maſeſty's Reign; one Intitled;

Sundry Laws  
expired or  
near expiring  
revived and  
continued.

An Act to prevent Miſchief being done by unruly Dogs.

*The other Intitled,*

An Act to prevent Neat Cattle and Horſes running at large and feeding on the Beaches adjoining to *Eastern-Harbour-Meadows* in the Town of *Truro*.

*And one other Act made in the eighteenth and nineteenth Years of ſaid Reign, Intitled,*

An Act to prevent unneceſſary Coſt being allowed to Parties and Witneſſes in the ſeveral Courts of Juſtice within this Province.

*And one Act made in the twenty-second Year of ſaid Reign, Intitled,*

An Act to prevent Damage being done on the Beach and Meadows in *Plymouth* adjoining to ſaid Beach, commonly known by the Name of *Plymouth-Beach*.

*Four Acts made in the twenty-third Year of ſaid Reign, one Intitled,*

An Act againſt diminifhing or counterfeiting Money.

*One other Intitled,*

An Act in Addition to and for rendering more effectual an Act for the reſtraining the taking exceſſive Uſury.

*One other Intitled,*

An Act to prevent Stage-Plays and other Theatrical Entertainments.

*And the other Act Intitled,*

An Act to prevent Damage being done on the Meadows and Beaches lying in and adjoining on the North Side of the Town of *Harwich*, between *Skeket-Harbour* on the Eaſt and *Setucket-Harbour* on the Weſt.

*An Act made in the twenty-fourth Year of ſaid Reign, Intitled,*

An Act for the better Regulation of the Courſe of Judicial Proceedings.

*Alſo,*

An Act to prevent the Diſturbance given the General Court, by the paſſing of Coaches, Chaiſes, Carts, Trucks and other Carriages by the Province Court-Houſe.

Their Conti-  
nuation for  
five Years  
from the 20th  
of June 1755.

**Be it therefore enacted by the Governour, Council and Houſe of Representatives,** That ſuch of the before-mentioned Acts as are expired, (with all and every Article, Clauſe, Matter and Thing therein reſpectively contained,) be and they hereby are revived: And ſuch of ſaid Acts as are near expiring, are continued, and ſhall be in Force from the twentieth Day of *June* Currant, for the Space of five Years, and to the End of the then next Seſſion of the General Court, and no longer.

[ *The three foregoing Acts were Published June 27th 1755.* ]





